

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

VICKI LINNEMAN, <i>et al.</i> , On Behalf of	:	CASE NO. 1:15-cv-748
Themselves and all Others Similarly	:	
Situated,	:	
Plaintiffs,	:	Judge Susan J. Dlott
	:	Magistrate Judge Stephanie K. Bowman
v.	:	
	:	
VITA-MIX CORPORATION, <i>et al.</i> ,	:	
	:	
Defendants.	:	

CLASS COUNSEL'S NOTICE OF STATUS OF SETTLEMENT ADMINISTRATION

Class Counsel submit this notice to apprise the Court of the status of settlement administration, which can now proceed in light of the withdrawal of all appeals challenging the Settlement. We have been working diligently with Vitamix and the Settlement Administrator, JND, to effect the Settlement. There have been a number of disputes between Class Counsel and Vitamix that we have been working to resolve, if possible, without burdening the Court. Many have been resolved. A few remain at issue. There is a planned conference for Monday, December 17, among counsel, and if an extrajudicial resolution cannot be reached at that conference Class Counsel will seek the guidance of the Court to resolve remaining settlement administration issues.

The settlement administration is slightly behind the optimistic schedule set forth in the Settlement. The Settlement anticipated that by December 3, 2018, Class Counsel would be in a position to apply to the Court for an order approving or denying the determinations concerning valid and invalid claims. (Doc. 35-2; Settlement Agreement, ¶ 8.9, PAGEID #508). Claims processing took longer than anticipated, as did the determination of waivable claim deficiencies.

JND and Vitamix have verified valid claims, and notices of deficiencies for curable invalid claims will be issued next week. Class Counsel will next week apply to the Court for an order approving the fulfillment of valid claims determined to date, with a subsequent application at a later date for deficient claims that have been cured.

Class Counsel anticipates that the provision of the gift card benefit to valid claimants will still be accomplished within the timeframe set forth in the Settlement (Settlement Agreement, ¶ 6.4(h), PAGEID #495 – providing that Vitamix will deliver gift cards for valid claims within 60 days of the Effective Date, which is January 9).

The remaining schedule for repair claims, the deficiency process, and Class Member website access will need some revision, and Class Counsel intends to propose a revised timeline next week. That timeline is dependent in part upon the length of the queuing system that Vitamix will implement for repair claims—one of the few issues still in dispute. Class Counsel hope to resolve this issue so that a timeline may be jointly proposed by the Parties.

Respectfully submitted,

/s/ Terence R. Coates

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CERTIFICATE OF SERVICE

I certify that on December 14, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel of record in this matter who are registered on CM/ECF.

/s/ Terence R. Coates
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